

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SJUNDE AP-FONDEN, individually and on behalf of all others similarly situated,

Plaintiff,

v.

THE GOLDMAN SACHS GROUP, INC.,
et al.,

Defendants.

Civil Case No. 1:18-cv-12084-VSB

**NOTICE OF MOTION AND MOTION FOR ISSUANCE OF A HAGUE CONVENTION
REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE TO OBTAIN
TESTIMONY OF FORMER EMPLOYEES OF GOLDMAN SACHS**

PLEASE TAKE NOTICE that Plaintiff in the above-captioned action hereby moves, pursuant to Federal Rule of Civil Procedure 28(b)(2), 28 U.S.C. §1781(b)(2), and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, 23 U.S.T. 2555, reprinted in 28 U.S.C. 1781 (the “Hague Convention”), for issuance of Letters of Request, attached as Exhibits A-C to the accompanying Declaration of Andrew L. Zivitz, to the Senior Master of the Queen’s Bench Division of the High Court of England and Wales for international judicial assistance in obtaining sworn testimony from three former employees of Defendant The Goldman Sachs Group, Inc. who, upon information and belief, reside in the United Kingdom: (1) Patrick Kidney; (2) Toby Watson; and (3) Cyrus Shey.

This motion is based upon the accompanying Memorandum of Law and the Declaration of Andrew Zivitz, including all exhibits thereto.

Dated: May 9, 2022

**KESSLER TOPAZ
MELTZER & CHECK, LLP**

s/ Andrew L. Zivitz

Andrew L. Zivitz
Matthew L. Mustokoff
Johnston de F. Whitman, Jr.
Jamie M. McCall
Margaret E. Mazzeo
Nathan A. Hasiuk
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
azivitz@ktmc.com
mmustokoff@ktmc.com
jwhitman@ktmc.com
jmccall@ktmc.com
mmazzeo@ktmc.com
nhasiuk@ktmc.com

Lead Counsel for Sjunde AP-Fonden and the Class

**BERNSTEIN LITOWITZ
BERGER & GROSSMANN LLP**

Salvatore J. Graziano
James M. Fee
1251 Avenue of the Americas
New York, NY 10020
Telephone: (212) 554-1400
Facsimile: (212) 554-1444
sgraziano@blbglaw.com
james.fee@blbglaw.com

Liaison Counsel for the Class